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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,383	04/20/2004	John Jay Clark	C4-1197	4819

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IP LEGAL DEPARTMENT
TYCO FIRE & SECURITY SERVICES
ONE TOWN CENTER ROAD
BOCA RATON, FL 33486

EXAMINER

HAUPT, KRISTY A

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,383

Applicant(s)

CLARK ET AL.

Examiner

Kristy A. Haupt

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McManus et al. US 2003/0102956 A1 in view of Corless US 5,514,857.

McManus teaches:

With respect to claim 1, a method monitoring a count of people traversing at least first and second passageways, said method comprising:

- Providing a first people counting data collecting unit configured to store a first set of people count data representative of people traversing said first passageway (Figure 1, #20 and Page 6, Paragraph 0052)
- Providing a second people counting data collection unit configured to store a second set of people count data representative of people traversing said second passageway (Figure 1, #21 and Page 6, Paragraph 0052)

With respect to claim 5:

- A first people counting data collection unit configured to store a first set of people count data (Figure 1, #20 and Page 6, paragraph 0052)
- A second people counting data collection unit configured to store a second set of people count data (Figure 1, #21 and Page 6, Paragraph 0052)

McManus fails to teach:

With respect to claim 1:

- Establishing bi-directional communication between said first people counting data collection unit and said second people counting data collecting unit, whereby said first set of people count data is accessible by said second people count data collection unit and said second set of people count data is accessible by said first people count data collection unit

With respect to claim 2:

- Further comprising advertising presence of said first people counting data collection unit to said second people counting data collection unit

With respect to claim 3:

- Further comprising advertising presence of said second people counting data collection unit to said first people counting data collection unit

With respect to claim 4:

- Further comprising periodically advertising presence of said first people counting data collection unit to said second people counting data collection unit

With respect to claim 5:

- Said first people counting data collection unit being configured for bi-directional communication with said second people counting data collection unit

With respect to claim 6:

- Wherein first people counting data collection unit is configured for accessing said second set of people count data from said second people count data collection unit

With respect to claim 7:

- Wherein second people counting data collection unit is configured for accessing said first set of people count data from said first people count data collection unit

With respect to claim 8:

- Wherein said first people counting data collection unit is configured to advertise its presence to said second people counting data collection unit

With respect to claim 9:

- Wherein said second people counting data collection unit is configured to advertise its presence to said first people counting data collection unit

With respect to claim 10:

- Wherein said first people counting data collection unit is configured to periodically advertise its presence to said second data collection unit

With respect to claim 11, a machine readable medium whose contents cause a first people counting data collection unit to perform a method of communicating with at least a second people counting data collection unit, said method comprising:

- Advertising a presence of said first people counting data collection unit to at least said second people counting data collection unit

With respect to claim 12:

- Wherein said advertising is performed periodically

With respect to claim 13:

- Receiving a second set of people count data from said second people counting data collection unit

With respect to claim 16, a people counting data collection unit comprising a processor and a machine readable medium having contents that cause said people counting data collection unit to perform a method of communicating with at least a second people counting data collection unit, said method comprising:

- Advertising a presence of said first people counting data collection unit to at least said second people counting data collection unit

With respect to claim 17:

- Wherein said advertising step is performed periodically

With respect to claim 18:

- Receiving a second set of people count data from said second people counting data collection unit

However, Corless teaches:

With respect to claim 1:

- Establishing bi-directional communication between said first people counting data collection unit and said second people counting data

collecting unit, whereby said first set of people count data is accessible by said second people count data collection unit and said second set of people count data is accessible by said first people count data collection unit (Column 3, Lines 44-67 teach each data collection unit (local processor) of each entrance/exit location is able to communicate with the remaining data collection units (local processors) of the remaining entrance/exit locations, therefore bi-directional communication between the different locations is established)

With respect to claim 2 and incorporating all arguments of claim 1:

- Further comprising advertising presence of said first people counting data collection unit to said second people counting data collection unit (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of "to make something known")

With respect to claim 3 and incorporating all arguments of claim 2:

- Further comprising advertising presence of said second people counting data collection unit to said first people counting data collection unit (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its

presence, where advertising is taken as its broad definition of “to make something known”)

With respect to claim 4 and incorporating all arguments of claim 1:

- Further comprising periodically advertising presence of said first people counting data collection unit to said second people counting data collection unit (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of “to make something known”)

With respect to claim 5:

- Said first people counting data collection unit being configured for bi-directional communication with said second people counting data collection unit (Column 3, Lines 44-67 teach each data collection unit (local processor) of each entrance/exit location is able to communicate with the remaining data collection units (local processors) of the remaining entrance/exit locations, therefore bi-directional communication between the different locations is established)

With respect to claim 6 and incorporating all arguments of claim 5:

- Wherein first people counting data collection unit is configured for accessing said second set of people count data from said second people count data collection unit (Column 4, Lines 1-12 teach the exit gate at one location sends an identification code to another location in order to access the memory of the other location to determine if the code is valid)

With respect to claim 7 and incorporating all arguments of claim 6:

- Wherein second people counting data collection unit is configured for accessing said first set of people count data from said first people count data collection unit (Column 4, Lines 1-12 teach the exit gate at one location sends an identification code to another location in order to access the memory of the other location to determine if the code is valid)

With respect to claim 8 and incorporating all arguments of claim 5:

- Wherein said first people counting data collection unit is configured to advertise its presence to said second people counting data collection unit (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of "to make something known")

With respect to claim 9 and incorporating all arguments of claim 8:

- Wherein said second people counting data collection unit is configured to advertise its presence to said first people counting data collection unit (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of “to make something known”)

With respect to claim 10 and incorporating all arguments of claim 5:

- Wherein said first people counting data collection unit is configured to periodically advertise its presence to said second data collection unit (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of “to make something known”)

With respect to claim 11, a machine readable medium whose contents cause a first people counting data collection unit to perform a method of communicating with at least a second people counting data collection unit (Column 4, Lines 1-12), said method comprising:

- Advertising a presence of said first people counting data collection unit to at least said second people counting data collection unit (Column 3, Lines

57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of "to make something known")

With respect to claim 12 and incorporating all arguments of claim 11:

- Wherein said advertising is performed periodically (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of "to make something known")

With respect to claim 13 and incorporating all arguments of claim 11:

- Receiving a second set of people count data from said second people counting data collection unit (Column 4, Lines 1-12 teach the exit gate at one location sends an identification code to another location in order to access the memory of the other location to determine if the code is valid whereby the other location responds to the request)

With respect to claim 16, a people counting data collection unit comprising a processor and a machine readable medium having contents that cause said people counting data collection unit to perform a method of communicating with at least a second people counting data collection unit (Column 4, Lines 1-12), said method comprising:

- Advertising a presence of said first people counting data collection unit to at least said second people counting data collection unit (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of “to make something known”)

With respect to claim 17 and incorporating all arguments of claim 16:

- Wherein said advertising step is performed periodically (Column 3, Lines 57-67 teaches each time a ticket is read at an entrance gate, its code is sent to the other locations thereby advertising its presence, where advertising is taken as its broad definition of “to make something known”)

With respect to claim 18 and incorporating all arguments of claim 16:

- Receiving a second set of people count data from said second people counting data collection unit (Column 4, Lines 1-12 teach the exit gate at one location sends an identification code to another location in order to access the memory of the other location to determine if the code is valid whereby the other location responds to the request)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of McManus to incorporate bi-directional communication between the different data collection units, as taught by Corless, to allow each

data collection unit access to the data of the remaining units in order to prevent multiple patrons from using the same ticket.

Allowable Subject Matter

3. Claim 14-15 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to provide sufficient teaching or motivation to one of ordinary skill in the art to provide the additionally recited features of these claims in the combinations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristy A. Haupt whose telephone number is (571) 272-8545. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/4/05
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KARL D. FRECH
PRIMARY EXAMINER